

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE: NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCTS LIABILITY
LITIGATION

MDL No. 2419
Master Dkt. 1:13-md-02419-RWZ

THIS DOCUMENT RELATES TO:

All Actions

**PLAINTIFFS' STEERING COMMITTEE'S MOTION FOR LEAVE TO FILE REPLY
TO JOINT OBJECTION OF THE CREDITORS' COMMITTEE AND MEMBER
REPRESENTATIVES REGARDING 8% HOLDBACK ORDER [ECF NO. 1279]**

On July 18, 2014, the Plaintiffs' Steering Committee ("PSC") submitted its Jointly Proposed Order Granting Motion for Entry of Case Management Order Establishing Assessment Procedures to Fund Common Benefit Account [ECF No. 790].¹ The Chapter 11 Trustee approved the attached form of order.

On July 21, 2014, six disgruntled attorneys for members of the Creditors' Committee filed a seven-page objection, attaching a competing proposed order and four other exhibits.² The competing proposed order proposes language that contradicts MDL Order No. 3, gives Creditors' Committee members' attorneys carte blanche approval for an unstated amount of time spent on unstated efforts with unstated results, and accomplishes an end run around the Bankruptcy Code and the U.S. Trustee's admonition that attorneys for members of the Creditors' Committee *qua* attorneys for members of the Creditors' Committee are not entitled to payment of their

¹ Plaintiffs' Steering Committee's Notice of Filing of Jointly Proposed Order Granting Motion for Entry of Case Management Order Establishing Assessment Procedures to Fund Common Benefit Account [ECF No. 790], [ECF No. 1274].

² Joint Objection Of The Official Committee Of Unsecured Creditors And Its Member Representatives To Notice Of Filing Purported "Jointly" Proposed Order Granting Motion For Entry Of Case Management Order Establishing Assessment Procedures To Fund Common Benefit Account [Ecf No. 790] And Notice Of Filing Of Proposed Form Of Counter-Order, [ECF No. 1279].

professional fees.

The PSC respectfully moves, in accordance with L.R. 7.1(b)(3), for leave to file the attached five-and-a-half-page reply. A copy of the proposed reply is attached hereto as Exhibit A.

Dated: July 24, 2014

Respectfully submitted,

/s/ Thomas M. Sobol

Thomas M. Sobol (BBO # 471770)
Kristen A. Johnson (BBO # 667261)
HAGENS BERMAN SOBOL SHAPIRO LLP
55 Cambridge Parkway, Suite 301
Cambridge, MA 02142
Telephone: (617) 482-3700
Facsimile: (617) 482-3003
tom@hbsslaw.com
kristenj@hbsslaw.com

Plaintiffs' Lead Counsel

Elizabeth J. Cabraser
Mark P. Chalos
Annika K. Martin
LIEFF CABRASER HEIMANN &
BERNSTEIN, LLP
150 Fourth Avenue North, Suite 1650
Nashville, TN 37219-2417
Telephone: 615.313.9000
Facsimile: 615.313.9965
ecabraser@lchb.com
mchalos@lchb.com
akmartin@lchb.com

Federal/State Liaison

Marc E. Lipton
LIPTON LAW
18930 W. 10 Mile Road
Southfield, MI 48075
Telephone: (248) 557-1688
Facsimile: (248) 557-6344
marc@liptonlawcentercom

Kim Dougherty
JANET, JENNER & SUGGS, LLC
31 St. James Avenue, Suite 365
Boston, MA 02116
Telephone: (617) 933-1265
kdougherty@myadvocates.com

Patrick T. Fennell
CRANDALL & KATT
366 Elm Avenue, S.W.
Roanoke, VA 24016
Telephone: (540) 342-2000
pfennel@crandalllaw.com

Mark Zamora
ZAMORA FIRM
6 Concourse Way, 22nd Floor
Atlanta, GA 30328
Telephone: (404) 451-7781
Facsimile: (404) 506-9223
marc@markzamora.com

J. Gerard Stranch, IV
Benjamin A. Gastel
BRANSETTER, STRANCH & JENNINGS
PLLC
227 Second Avenue North
Nashville, TN 37201
Telephone: (615) 254-8801
Facsimile: (615) 255-5419
gerards@branstetterlaw.com
beng@branstetterlaw.com

Plaintiffs' Steering Committee

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on July 24, 2014, a true and exact copy of the foregoing was filed with this the Clerk of the Court using the ECF system that sent a notification of this filing to all ECF registered counsel of record via e-mail generated by the Court's ECF system.

/s/ Thomas M. Sobol

Thomas M. Sobol (BBO # 471770)